



Rep. Daniel V. Beiser

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LRB097 16480 MRW 66754 a

1 AMENDMENT TO HOUSE BILL 4452

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4452 by inserting  
3 after the enacting clause the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 5-401.3 as follows:

6 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

7 Sec. 5-401.3. Scrap processors required to keep records;  
8 payment method for recyclable metal.

9 (a) Every person licensed or required to be licensed as a  
10 scrap processor pursuant to Section 5-301 of this Chapter shall  
11 maintain for 3 years, at his established place of business, the  
12 following records relating to the acquisition of recyclable  
13 metals or the acquisition of a vehicle, junk vehicle, or  
14 vehicle cowl which has been acquired for the purpose of  
15 processing into a form other than a vehicle, junk vehicle or  
16 vehicle cowl which is possessed in the State or brought into

1 this State from another state, territory or country. No scrap  
2 metal processor shall sell a vehicle or essential part, as  
3 such, except for engines, transmissions, and powertrains,  
4 unless licensed to do so under another provision of this Code.  
5 A scrap processor who is additionally licensed as an automotive  
6 parts recycler shall not be subject to the record keeping  
7 requirements for a scrap processor when acting as an automotive  
8 parts recycler.

9 (1) For a vehicle, junk vehicle, or vehicle cowl  
10 acquired from a person who is licensed under this Chapter,  
11 the scrap processor shall record the name and address of  
12 the person, and the Illinois or out-of-state dealer license  
13 number of such person on the scrap processor's weight  
14 ticket at the time of the acquisition. The person disposing  
15 of the vehicle, junk vehicle, or vehicle cowl shall furnish  
16 the scrap processor with documentary proof of ownership of  
17 the vehicle, junk vehicle, or vehicle cowl in one of the  
18 following forms: a Certificate of Title, a Salvage  
19 Certificate, a Junking Certificate, a Secretary of State  
20 Junking Manifest, a Uniform Invoice, a Certificate of  
21 Purchase, or other similar documentary proof of ownership.  
22 The scrap processor shall not acquire a vehicle, junk  
23 vehicle or vehicle cowl without obtaining one of the  
24 aforementioned documentary proofs of ownership.

25 (2) For a vehicle, junk vehicle or vehicle cowl  
26 acquired from a person who is not licensed under this

1 Chapter, the scrap processor shall verify and record that  
2 person's identity by recording the identification of such  
3 person from at least 2 sources of identification, one of  
4 which shall be a driver's license or State Identification  
5 Card, on the scrap processor's weight ticket at the time of  
6 the acquisition. The person disposing of the vehicle, junk  
7 vehicle, or vehicle cowl shall furnish the scrap processor  
8 with documentary proof of ownership of the vehicle, junk  
9 vehicle, or vehicle cowl in one of the following forms: a  
10 Certificate of Title, a Salvage Certificate, a Junking  
11 Certificate, a Secretary of State Junking Manifest, a  
12 Certificate of Purchase, or other similar documentary  
13 proof of ownership. The scrap processor shall not acquire a  
14 vehicle, junk vehicle or vehicle cowl without obtaining one  
15 of the aforementioned documentary proofs of ownership.

16 (3) In addition to the other information required on  
17 the scrap processor's weight ticket, a scrap processor who  
18 at the time of acquisition of a vehicle, junk vehicle, or  
19 vehicle cowl is furnished a Certificate of Title, Salvage  
20 Certificate or Certificate of Purchase shall record the  
21 Vehicle Identification Number on the weight ticket or affix  
22 a copy of the Certificate of Title, Salvage Certificate or  
23 Certificate of Purchase to the weight ticket and the  
24 identification of the person acquiring the information on  
25 the behalf of the scrap processor.

26 (4) The scrap processor shall maintain a copy of a Junk

1 Vehicle Notification relating to any Certificate of Title,  
2 Salvage Certificate, Certificate of Purchase or similarly  
3 acceptable out-of-state document surrendered to the  
4 Secretary of State pursuant to the provisions of Section  
5 3-117.2 of this Code.

6 (5) For recyclable metals valued at \$100 or more, the  
7 scrap processor shall, for each transaction, record the  
8 identity of the person from whom the recyclable metals were  
9 acquired by verifying the identification of that person  
10 from one source of identification, which shall be a valid  
11 driver's license or State Identification Card, on the scrap  
12 processor's weight ticket at the time of the acquisition  
13 and by making and recording a photocopy or electronic scan  
14 of the driver's license or State Identification Card. Such  
15 information shall be available for inspection by any law  
16 enforcement official. If the person delivering the  
17 recyclable metal does not have a valid driver's license or  
18 State Identification Card, the scrap processor shall not  
19 complete the transaction. The inspection of records  
20 pertaining only to recyclable metals shall not be counted  
21 as an inspection of a premises for purposes of subparagraph  
22 (7) of Section 5-403 of this Code.

23 This subdivision (a)(5) does not apply to electrical  
24 contractors, to agencies or instrumentalities of the State  
25 of Illinois or of the United States, to common carriers, to  
26 purchases from persons, firms, or corporations regularly

1 engaged in the business of manufacturing recyclable metal,  
2 in the business of selling recyclable metal at retail or  
3 wholesale, or in the business of razing, demolishing,  
4 destroying, or removing buildings, to the purchase by one  
5 recyclable metal dealer from another, or the purchase from  
6 persons, firms, or corporations engaged in either the  
7 generation, transmission, or distribution of electric  
8 energy or in telephone, telegraph, and other  
9 communications if such common carriers, persons, firms, or  
10 corporations at the time of the purchase provide the  
11 recyclable metal dealer with a bill of sale or other  
12 written evidence of title to the recyclable metal. This  
13 subdivision (a)(5) also does not apply to contractual  
14 arrangements between dealers.

15 (b) Any licensee who knowingly fails to record any of the  
16 specific information required to be recorded on the weight  
17 ticket required under any other subsection of this Section, or  
18 Section 5-401 of this Code, or who knowingly fails to acquire  
19 and maintain for 3 years documentary proof of ownership in one  
20 of the prescribed forms shall be guilty of a Class A  
21 misdemeanor and subject to a fine not to exceed \$1,000. Each  
22 violation shall constitute a separate and distinct offense and  
23 a separate count may be brought in the same complaint for each  
24 violation. Any licensee who commits a second violation of this  
25 Section within two years of a previous conviction of a  
26 violation of this Section shall be guilty of a Class 4 felony.

1 (c) It shall be an affirmative defense to an offense  
2 brought under paragraph (b) of this Section that the licensee  
3 or person required to be licensed both reasonably and in good  
4 faith relied on information appearing on a Certificate of  
5 Title, a Salvage Certificate, a Junking Certificate, a  
6 Secretary of State Manifest, a Secretary of State's Uniform  
7 Invoice, a Certificate of Purchase, or other documentary proof  
8 of ownership prepared under Section 3-117.1(a) of this Code,  
9 relating to the transaction for which the required record was  
10 not kept which was supplied to the licensee by another licensee  
11 or an out-of-state dealer.

12 (d) No later than 15 days prior to going out of business,  
13 selling the business, or transferring the ownership of the  
14 business, the scrap processor shall notify the Secretary of  
15 that fact. Failure to so notify the Secretary of State shall  
16 constitute a failure to keep records under this Section.

17 (e) Evidence derived directly or indirectly from the  
18 keeping of records required to be kept under this Section shall  
19 not be admissible in a prosecution of the licensee for an  
20 alleged violation of Section 4-102(a) (3) of this Code.

21 (f) A scrap processor may not pay for the purchase of  
22 recyclable metal with cash if the purchase price for the  
23 recyclable metal is \$100 or more.

24 (Source: P.A. 95-253, eff. 1-1-08; 95-979, eff. 1-2-09.); and

25 on page 1, line 4, by changing "Section 5" to "Section 10".